

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NATIONAL PRESS PHOTOGRAPHERS	§	
ASSOCIATION, TEXAS PRESS ASSOCIATION,	§	
and JOSEPH PAPPALARDO,	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO.
	§	1:19-CV-00946-RP
	§	
STEVEN MCCRAW, in his official capacity as	§	
Director of Texas Department of Public Safety,	§	
DWIGHT MATHIS, in his official capacity as	§	
Chief of the Texas Highway Patrol, and	§	
WES MAU, in his official capacity as	§	
District Attorney of Hays County, Texas,	§	
Defendants.	§	

JOINT MOTION TO MODIFY SCHEDULING ORDER

Plaintiffs National Press Photographers Association, Texas Press Association, and Joseph Pappalardo and Defendants Steven McCraw, Dwight Mathis, and Wes Mau (all in their official capacities), jointly file this Motion to Modify Scheduling Order. The Parties respectfully request that the Court modify its scheduling order as follows:

1. Plaintiffs National Press Photographers Association, Texas Press Association, and Joseph Pappalardo filed this action on September 26, 2019 seeking to invalidate certain statutory provisions for alleged violations of the First Amendment, Fourteenth Amendment, and Supremacy Clause.
2. On November 30, 2020, the Court granted in part and denied in part Defendants' Motion to Dismiss. The Court dismissed Plaintiffs' preemption claim and denied Defendants' Motion to Dismiss as to all other claims. [ECF No. 52.] The Parties have conducted and completed discovery in this matter regarding the outstanding claims.
3. Pursuant to the Court's scheduling order [ECF No. 44], all dispositive motions are currently due to be filed on or before June 25, 2021. Responses to such motions must be filed within 14 days,

or no later than July 9, 2021. Replies must be filed within 7 days thereafter, or no later than July 16, 2021. Additionally, the scheduling order sets a limitation of 20 pages for both the dispositive motions and any responses and a limitation of 10 pages for any replies.

4. The Parties jointly request that the Court modify the scheduling order to extend the briefing schedule in this matter as follows:

- Dispositive motions deadline: July 9, 2021
- Response deadline: August 9, 2021
- Reply deadline: August 23, 2021

5. Additionally, the Parties jointly request that the Court increase the page limitations to 40 pages for the motions and responses, and 20 pages for the replies.

6. Good cause exists for the requested extension. Both Plaintiffs and Defendants anticipate filing dispositive motions in this matter. Plaintiffs' claims in this litigation present constitutional issues of significant importance and complexity. Additionally, Defendants have challenged Plaintiffs' standing and the Court's jurisdiction. The Parties request the additional time and pages in order to ensure that their briefs thoroughly address the factual and legal issues presented in this matter. The requested modification therefore is not sought for purposes of delay but rather to ensure that the Parties' submissions are as helpful as possible to the Court. Moreover, because the Parties all believe that summary disposition of this matter is appropriate and warranted, no trial is likely to be necessary.

7. Accordingly, the Parties respectfully request that the Court modify the scheduling order as requested to allow for additional time to prepare the substantive briefs in this matter and extend the page limitations as requested.

Respectfully submitted,

COUNSEL FOR PLAINTIFFS:

David A. Schulz (*pro hac vice*)
NY State Bar No. 1514751
Media Freedom And Information
Access Clinic
Yale Law School
127 Wall Street
New Haven, CT 06511
Tel: (212) 850-6103
Fax: (212) 223-1942
david.schulz@yale.edu

By: /s/ James A. Hemphill
James A. Hemphill
Texas State Bar No. 00787674
(512) 480-5762 direct phone
(512) 536-9907 direct fax
jhemphill@gdham.com
Graves, Dougherty, Hearon & Moody, P.C.
401 Congress Ave., Suite 2700
Austin, Texas 78701

Leah M. Nicholls (*pro hac vice*)
DC Bar No. 982730
Public Justice P.C.
1620 L Street NW, Suite 630
Washington, DC 20036
(202) 797-8600
lnicholls@publicjustice.net

COUNSEL FOR DEFENDANTS
STEVEN MCCRAW AND DWIGHT MATHIS,
IN THEIR OFFICIAL CAPACITIES:

KEN PAXTON
Attorney General of Texas
BRENT WEBSTER
First Assistant Attorney General
GRANT DORFMAN
Deputy First Assistant Attorney General
SHAWN COWLES
Deputy Attorney General for Civil Litigation
THOMAS A. ALBRIGHT
Chief, General Litigation Division

/s/ Christopher D. Hilton
CHRISTOPHER D. HILTON
Texas Bar No. 24087727
Assistant Attorney General
General Litigation Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 463-2120
FAX: (512) 320-0667
christopher.hilton@oag.texas.gov

**COUNSEL FOR DEFENDANT
WES MAU, IN HIS OFFICIAL CAPACITY:**

MCGINNIS LOCHRIDGE LLP
Michael A. Shaunessy, SBN 18134550
Eric Johnston, SBN 24070009
600 Congress Avenue, Suite 2100
Austin, Texas 78701
(512) 495-6000
(512) 495-6093 FAX
mshaunessy@mcginnislaw.com
ejohnston@mcginnislaw.com

By: /s/ Michael A. Shaunessy
Michael A. Shaunessy
State Bar No. 18134550
Attorneys for Defendant Wes Mau, in his official
capacity as District Attorney of Hays County, Texas

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent by
email from the Court's ECF system on this the 22nd day of June 2021, to all counsel of record.

/s/ Christopher D. Hilton
Christopher D. Hilton